UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,471	04/13/2001	Milton Silva-Craig	15-IS-5715	7327

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EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2172	9

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/681,471	Applicant(s) SILVA-CRAIG ET AL.
	Examiner Baoquoc N To	Art Unit 2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ ~~For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

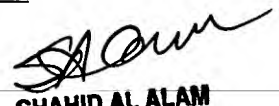   The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-36*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

SHAHID AL ALAM
PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that the Luzzi does not teach or suggest medical data and storing medical data. The examiner respectfully disagrees with the applicant because first the medical data is not defining the claim language. Secondly, the medical data does not have any functional interrelationship with the claim. Therefore, the examiner is hold the medical data is equivalent to the transaction data. In addition to the argument, the applicant also argues "storing medical data and a centralized remote data store for storing medical data." The examiner respectfully disagrees with the applicant because in Luzzi after requested transaction records, the transaction record is stored in the local and/or central remote repository 305 and/or 306 in step 411 (col. 15, lines 51-55). The applicant also argues that, "a status of monitoring for controlling transfer of medical dat between a data source and a centralized remote data store." The examiner respectfully disagrees with the above argument because AMA probe in Luzzi monitoring the successful or unsuccessful requested of transferring the transactions from the client to the server (col. 10, lines 29-67). This clearly indicates that the AMA is monitoring the transaction requested from the client to the server. The applicant argues neither Bessette nor Luzzi, taken alone or in combination, teaches or suggest a centralized remote data store. Luzzi discloses the system having the AMA monitoring the transaction request from the client to the server; the server is the centralized remote data source that stored the transaction records. Bessette teaches the doctor from the workstation can request the patient records from the remote server. Since the 'transaction record" is equivalent to the medical record. One ordinary skill in the art would know this combination would work to allow retrieval information to be used by the clients.